

REC'D 07 APR 24 16:20 USDC-ORF

EX-145-10-0000

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

MARK OFFENBACHER,

Plaintiff,

v.

CV No. 07-0326-AS
Admiralty

STIPULATED RESTRAINING ORDER

DAN AHART, an individual; BLUEFIN,
INC., an Oregon corporation; and the
F/V MIGRATOR, a vessel now ported in
Coos Bay, Oregon,

Defendants.

WHEREAS plaintiff has filed a motion for provisional process seeking to enjoin and restrain the defendants Dan Ahart, Bluefin Inc., and the F/V MIGRATOR from transferring or encumbering Oregon commercial crab permit Nos. 96270 and 96338 (the "Oregon Crab Permits"); and

WHEREAS claimant F/V Stillwater LLC, who is the owner of the F/V MIGRATOR, the F/V STILLWATER, and the Oregon Crab Permits, disputes plaintiff's

right or basis for asserting his claims against the vessel F/V MIGRATOR or the Oregon Crab Permits; and

WHEREAS claimant F/V Stillwater LLC further disputes the jurisdiction and the legal authority of this Court to enter any such restraining or preliminary injunction in this case; and

WHEREAS, in order to avoid fighting this legal issue at this stage of the litigation, the plaintiff and claimant F/V Stillwater LLC have agreed, without any prejudice to their respective positions, without any issues re future burdens of proof, and with the right to reschedule argument on plaintiff's motion after reasonable notice to the other parties, to enter into the following restraining orders:

Based upon the stipulation, it is hereby

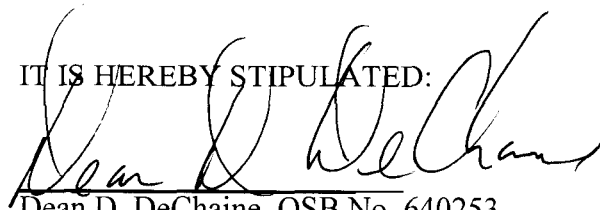
ORDERED that F/V Stillwater LLC and/or any other person or entity shall not transfer or otherwise assign the Oregon Crab Permits from the vessels to which they are assigned, namely, the F/V MIGRATOR and the F/V STILLWATER, respectively, to any other individual, entity, or vessel while this action is pending or until further ordered by this Court.

IT IS FURTHER ORDERED that the attorney for the plaintiff will send a copy of this order to the Oregon Department of Fish & Wildlife, and the attorney for the claimant will send a copy of the order to F/V Stillwater LLC and its managing member.

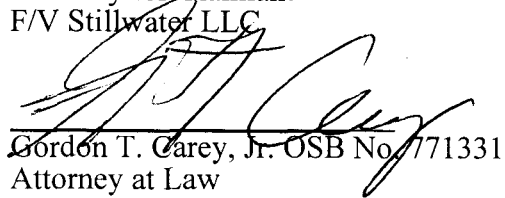
 4-25-07

The Honorable Anna J. Brown

IT IS HEREBY STIPULATED:



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